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June 10, 2021

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VIA ECF

The Honorable Joanna Seybert
United States District Judge
U.S.D.C., Eastern District of New York
100 Federal Plaza, Courtroom 1030
Central Islip, NY 11722

**Re: *In re Hain Celestial Heavy Metals Baby Food Litigation*,
Case No. 2:21-cv-678-JS-AYS—Request for Consolidation of Related Case**

Dear Judge Seybert:

I and my firm represent the Plaintiffs in *Lawrence v. Hain Celestial Group, Inc.*, 1:21-cv-01287 (E.D.N.Y.) (the “*Lawrence Action*”). We respectfully request that pursuant to Sections 3 and 5 of the Court’s Order entered May 13, 2021 (Doc. 15 in 1:21-cv-0678-JS-AYS) (the “Consolidation Order”), the Court consolidate the *Lawrence Action* with the cases consolidated by the Consolidation Order in *In re Hain Celestial Heavy Metals Baby Food Litigation*. The *Lawrence Action* was reassigned to Your Honor on May 13, 2021. Because the heavy metal baby food cases were not centralized by the Judicial Panel on Multidistrict Litigation, we are taking steps to promptly have before the Court a complaint that will name only Hain as a Defendant, with the claims against the other Defendants being refiled in different Districts.¹

¹ On May 27, Kohn, Swift & Graf filed a motion to be selected as lead counsel in *In re Hain Celestial Heavy Metals Baby Food Litigation*. (Doc.63 in 1:21-cv-0678-JS-AYS)

The *Lawrence Action* was filed in the Eastern District of New York and assigned to Judge Eric R. Komitee. On the same day that the Consolidation Order was entered, the *Lawrence Action* was reassigned to Your Honor. Consolidation of the *Lawrence Action* is appropriate because the factual allegations in the *Lawrence Action* regarding Hain selling baby food containing heavy metals without appropriate disclosures to consumers, are the same or substantially similar to those asserted by the Plaintiffs in the cases consolidated by the Consolidation Order, and Plaintiff Lawrence will be amending or refiling his complaint to name only Hain as a Defendant.

Originally, Plaintiffs in the *Lawrence Action* sued Hain and other baby food companies. All the Defendants accepted service of the complaint. The parties entered into a stipulated schedule with deadlines for filing answers or motions to sever by Defendants, which was approved by the Court on May 20, 2021. The stipulation reflected the uncertainty that then existed about whether, or where, the heavy metal baby food cases would be centralized by the Judicial Panel on Multidistrict Litigation. On June 7, the Panel denied the MDL motion, noting that the parties were attempting to self-organize different defendant specific cases in various Districts. Accordingly, Plaintiff Lawrence seeks to amended or refile the complaint in the *Lawrence Action* to name only Hain. Mr. Lawrence and the other Plaintiffs intend to refile cases against the other manufacturers sued in the *Lawrence Action* in Districts outside the Eastern District of New York. Plaintiff Lawrence is therefore requesting that the Court consolidate the *Lawrence Action* with the other Hain cases in this District. By so doing and with the refiling of a complaint or filing an amended complaint naming only Hain, there will be no need for motion practice in connection with the claims brought against the non-Hain Defendants.

While the *Lawrence Action* was not consolidated with the Hain cases listed in the Consolidation Order because it was not then before Your Honor and it included Defendants other

than Hain, Section 3 of the Order granted leave to renew the request to consolidate the *Lawrence Action* as part of the *In re Hain Celestial Heavy Metals Baby Food Litigation*, 2:21-cv-0678, at such time as the “parties request reassignment of [the *Lawrence Action*] to, and raise the issue with, the undersigned.” Because the *Lawrence Action* has now been reassigned to Your Honor, and a complaint will be amended or refiled naming only Hain as a Defendant, Plaintiffs respectfully request that the Court consolidate the *Lawrence Action* with the cases subject to the Consolidation Order. (Doc. 15 in 1:21-cv-0678-JS-AYS)

Dated: June 10, 2021

Respectfully yours,

/s/ Zahra R. Dean
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